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January 22, 2003

WRITER'S DIRECT NUMBER: (202) 371-2544 INTERNET ADDRESS: MCIMBALA@SKGF.COM

Commissioner for Patents Washington, D.C. 20231

Art Unit 1652

Re:

U.S. Utility Patent Application

Appl. No. 09/826,206; Filed: April 5, 2001 For: *Ketogulonigenium* Shuttle Vectors

Inventor:

John D'Élia

Our Ref:

1533.1100001/MAC/DJN

RECEIVED

JAN 3 0 2003

TECH CENTER 1800/2900

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Amendment and Reply under 37 C.F.R. § 1.111;
- 2. Copy of Statement Concerning the Deposited Plasmid DNA from Application No. 09/826,205;
- 3. Computer-readable and paper copies of Amended Sequence Listing;
- 4. Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a); and
- 5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents January 22, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala Attorney for Applicant

Trustet A. Central

Registration No. 33,851

MAC/DJN/mhd Enclosures

SKGF_DC1:95090.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHMIDT, et al.

Appl. No. 09/826,205

Filed: April 5, 2001

For: An Endogenous

Ketogulonigenium Plasmid

Art Unit: 1636

Examiner: Davis, K. F.

Atty. Docket: 1533.0950001/MAC/DJN

Statement Concerning the Deposited Plasmid DNA

RECEIVED

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

JAN 3 0 2003

TECH CENTER 1600/2900

A Ketogulonigenium strain harboring an endogenous plasmid DNA was deposited under the terms of the Budapest Treaty on June 18, 1998, at the Agricultural Research Service Culture Collection (1815 North University Street, Peoria, Illinois 61604 USA) and given the NRRL Deposit No. B-30035.

Assurance is hereby given that: (1) the deposit was made under terms of the Budapest Treaty; (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of a patent; (3) the deposit has been made under conditions such that access to the material will be available during the pendency of the patent application to one determined by the Commissioner; and (4) the deposit will be maintained with all of the care necessary to keep them viable and uncontaminated for a period of at least five years after the most recent request for the furnishing

of a sample of the deposit, and in any case, for a period of at least thirty years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Respectfully submitted,

ARCHER-DANIELS-MIDLAND COMPANY

Date: 3/29/02

David J. Smith

By: ___

Title: Senior Vice President, Secretary and General Counsel